



General Assembly

***Substitute Bill No. 5740***

*February Session, 2002*

**AN ACT CONCERNING STATE MARSHALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsections (a) to (c), inclusive, of section 6-38b of the  
2       general statutes, as amended by section 8 of public act 01-9 of the June  
3       special session, are repealed and the following is substituted in lieu  
4       thereof (*Effective October 1, 2002*):

5       (a) There is established a State Marshal Commission which shall  
6       consist of [~~eight~~] ten members appointed as follows: (1) The Chief  
7       Justice shall appoint one member who shall be a judge of the Superior  
8       Court; (2) the speaker of the House of Representatives, the president  
9       pro tempore of the Senate, the majority and minority leaders of the  
10      House of Representatives and the majority and minority leaders of the  
11      Senate shall each appoint one member; (3) the State Marshals Advisory  
12      Board established pursuant to section 6-38c shall appoint two  
13      members, each of whom shall be a state marshal; and [(3)] (4) the  
14      Governor shall appoint one member who shall serve as chairperson.  
15      No member of the commission other than a member appointed  
16      pursuant to subdivision (3) of this subsection shall be a state marshal.  
17      [except that two state marshals appointed by the State Marshals  
18      Advisory Board in accordance with section 6-38c shall serve as ex  
19      officio, nonvoting members of the commission.]

20      (b) The chairperson shall serve for a three-year term and all

21 appointments of members to replace those whose terms expire shall be  
22 for terms of three years.

23 (c) No more than [four] five of the members, other than the  
24 chairperson, may be members of the same political party. Of the  
25 [seven] nine nonjudicial members, other than the chairperson, at least  
26 [three] four shall not be members of the bar of any state.

27 Sec. 2. Section 6-38d of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2002*):

29 No state marshal shall knowingly bill for, or receive fees for, work  
30 that such state marshal did not actually perform, except that a state  
31 marshal may bill for and receive reimbursement of moneys paid by  
32 such state marshal for work performed by another person for or on  
33 behalf of the person from whom such reimbursement is sought.

34 Sec. 3. Section 6-38e of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2002*):

36 The State Marshal Commission shall [periodically review and audit]  
37 conduct random audits of the records and accounts of [the] not more  
38 than ten state marshals in any calendar year. The commission may  
39 conduct additional audits of the records and accounts of any state  
40 marshal upon receipt of a written complaint pertaining to such state  
41 marshal that is signed by the person filing such complaint. Upon the  
42 death or disability of a state marshal, the commission shall appoint a  
43 qualified individual to oversee and audit the records and accounts of  
44 such state marshal and render an accounting to the commission. All  
45 information obtained by the commission from any audit conducted  
46 pursuant to this section shall be confidential and shall not be subject to  
47 disclosure under the Freedom of Information Act, as defined in section  
48 1-200, as amended.

49 Sec. 4. Subsection (d) of section 11 of public act 01-9 of the June  
50 special session is repealed and the following is substituted in lieu  
51 thereof (*Effective July 1, 2002*):

52 (d) The first two hundred fifty thousand dollars collected each fiscal  
53 year, pursuant to subsection (b) of this section, shall be credited to the  
54 state marshal account and be available for expenditure by the State  
55 Marshal Commission for the operating expenses of the commission.  
56 From July 1, 2001, until July 1, 2006, the Secretary of the Office of  
57 Policy and Management shall review and approve or disapprove the  
58 budget of the commission. For the fiscal year ending June 30, 2003, and  
59 each fiscal year thereafter, not more than twenty-five per cent of the  
60 moneys in the state marshal account may be available for expenditure  
61 by the State Marshals Advisory Board for the operating expenses of the  
62 board.

63 Sec. 5. Section 49-34 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2002*):

65 A mechanic's lien is not valid [.] unless the person performing the  
66 services or furnishing the materials [.] (1) within ninety days after he  
67 has ceased to do so, lodges with the town clerk of the town in which  
68 the building, lot or plot of land is situated a certificate in writing,  
69 which shall be recorded by the town clerk with deeds of land, (A)  
70 describing the premises, the amount claimed as a lien thereon, the  
71 name or names of the person against whom the lien is being filed and  
72 the date of the commencement of the performance of services or  
73 furnishing of materials, (B) stating that the amount claimed is justly  
74 due, as nearly as the same can be ascertained, and (C) subscribed and  
75 sworn to by the claimant, and (2) [within the same time, or prior to the  
76 lodging of the certificate but] not later than thirty days after lodging  
77 the certificate, serves a true and attested copy of the certificate upon  
78 the owner of the building, lot or plot of land in the same manner as is  
79 provided for the service of the notice in section 49-35, as amended by  
80 this act.

81 Sec. 6. Subsection (a) of section 49-35 of the general statutes, as  
82 amended by section 46 of public act 01-195, is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2002*):

84 (a) No person other than the original contractor for the construction,  
85 raising, removal or repairing of the building, or the development of  
86 any lot, or the site development or subdivision of any plot of land or a  
87 subcontractor whose contract with the original contractor is in writing  
88 and has been assented to in writing by the other party to the original  
89 contract, is entitled to claim any such mechanic's lien, unless, after  
90 commencing, and not later than ninety days after ceasing, to furnish  
91 materials or render services for such construction, raising, removal or  
92 repairing, such person gives written notice to the owner of the  
93 building, lot or plot of land and to the original contractor that he or she  
94 has furnished or commenced to furnish materials, or rendered or  
95 commenced to render services, and intends to claim a lien therefor on  
96 the building, lot or plot of land; provided an original contractor shall  
97 not be entitled to such notice, unless, not later than fifteen days after  
98 commencing the construction, raising, removal or repairing of the  
99 building, or the development of any lot, or the site development or  
100 subdivision of any plot of land, such original contractor lodges with  
101 the town clerk of the town in which the building, lot or plot of land is  
102 situated an affidavit in writing, which shall be recorded by the town  
103 clerk with deeds of land, (1) stating the name under which such  
104 original contractor conducts business, (2) stating the original  
105 contractor's business address, and (3) describing the building, lot or  
106 plot of land. The right of any person to claim a lien under this section  
107 shall not be affected by the failure of such affidavit to conform to the  
108 requirements of this section. The notice shall be served upon the owner  
109 or original contractor, if such owner or original contractor resides in  
110 the same town in which the building is being erected, raised, removed  
111 or repaired or the lot is being improved, or the plot of land is being  
112 improved or subdivided, by any indifferent person, state marshal or  
113 other proper officer, by leaving with such owner or original contractor  
114 or at such owner's or the original contractor's usual place of abode a  
115 true and attested copy thereof. If the owner or original contractor does  
116 not reside in such town, but has a known agent therein, the notice may  
117 be so served upon the agent, otherwise it may be served by any  
118 indifferent person, state marshal or other proper officer, by mailing a

119 true and attested copy of the notice by registered or certified mail to  
120 the owner or original contractor at the place where such owner or the  
121 original contractor resides. If such copy is returned unclaimed, notice  
122 to such owner or original contractor shall be given by publication in  
123 accordance with the provisions of section 1-2. When there are two or  
124 more owners, or two or more original contractors, the notice shall be so  
125 served on each owner and on each original contractor. The notice, with  
126 the return of the person who served it endorsed thereon, shall be  
127 returned to the original maker of the notice [within said period of  
128 ninety days] not later than thirty days after the filing of the certificate  
129 pursuant to section 49-34, as amended by this act.

130 Sec. 7. Subsection (b) of section 52-57 of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective*  
132 *October 1, 2002*):

133 (b) Process in civil actions against the following-described classes of  
134 defendants shall be served as follows: (1) Against a town, upon its  
135 clerk, assistant clerk, manager or one of its selectmen; (2) against a city,  
136 upon its clerk or assistant clerk or upon its mayor or manager; (3)  
137 against a borough, upon its manager, clerk or assistant clerk or upon  
138 the warden or one of its burgesses; (4) against a school district, upon  
139 its clerk or one of its committee; [and] (5) against other municipal or  
140 quasi-municipal corporations, upon its clerk or upon its chief  
141 presiding officer or managing agent; and (6) against an employee of a  
142 town, city or borough in a cause of action arising from the employee's  
143 duties or employment, upon (A) the clerk of the town, city or borough,  
144 provided two copies of such process shall be served upon the clerk and  
145 the clerk shall retain one copy and forward the second copy to the  
146 employee, or (B) the employee pursuant to subsection (a) of this  
147 section.

148 Sec. 8. Section 52-143 of the general statutes is amended by adding  
149 subsection (f) as follows (*Effective October 1, 2002*):

150 (NEW) (f) Any subpoena summoning a physician as a witness may

151 be served upon the office manager or person in charge at the office or  
152 principal place of business of such physician who shall act as the agent  
153 of the physician named in the subpoena. Service upon the agent shall  
154 be deemed to be service upon the physician.

155 Sec. 9. Subsection (a) of section 52-261 of the general statutes, as  
156 amended by section 69 of public act 01-9 of the June special session, is  
157 repealed and the following is substituted in lieu thereof (*Effective*  
158 *October 1, 2002*):

159 (a) Except as provided in subsection (b) of this section and section  
160 52-261a, each officer or person who serves process, summons or  
161 attachments shall receive a fee of not more than thirty dollars for each  
162 process served and an additional fee of [ten] thirty dollars for the  
163 second and each subsequent defendant upon whom the process is  
164 served, except that such officer or person shall receive a single  
165 additional fee of thirty dollars for any service of such process on  
166 subsequent defendants at the same address. Each such officer or  
167 person shall also receive the fee set by the Department of  
168 Administrative Services for state employees for each mile of travel, to  
169 be computed from the place where such officer or person received the  
170 process to the place of service, and thence in the case of civil process to  
171 the place of return. If more than one process is served on one person at  
172 one time by any such officer or person, the total cost of travel for the  
173 service shall be the same as for the service of one process only. Each  
174 officer or person who serves process shall also receive the moneys  
175 actually paid for town clerk's fees on the service of process. Any officer  
176 or person required to summon jurors by personal service of a warrant  
177 to attend court shall receive for the first ten miles of travel while so  
178 engaged, such mileage to be computed from the place where such  
179 officer or person receives the process to the place of service, twenty-  
180 five cents for each mile, and for each additional mile, ten cents. For  
181 summoning any juror to attend court otherwise than by personal  
182 service of the warrant, such officer or person shall receive only the sum  
183 of fifty cents and actual disbursements necessarily expended by such  
184 officer or person in making service thereof as directed.

185 Notwithstanding the provisions of this section, for summoning grand  
186 jurors, such officer or person shall receive only such officer's or  
187 person's actual expenses and such reasonable sum for services as are  
188 taxed by the court. The following fees shall be allowed and paid: (1)  
189 For taking bail or bail bond, one dollar; (2) for copies of writs and  
190 complaints, exclusive of endorsements, one dollar per page, not to  
191 exceed a total amount of nine hundred dollars in any particular matter;  
192 (3) for endorsements, forty cents per page or fraction thereof; (4) for  
193 service of a warrant for the seizure of intoxicating liquors, or for  
194 posting and leaving notices after the seizure, or for the destruction or  
195 delivery of any such liquors under order of court, twenty dollars; (5)  
196 for the removal and custody of such liquors so seized, reasonable  
197 expenses, and twenty dollars; (6) for ~~[levying]~~ the levy of an execution,  
198 when the money is actually collected and paid over, or the debt or a  
199 portion of the debt is secured by the officer, ~~[to the acceptance of the~~  
200 ~~creditor, ten]~~ fifteen per cent on the amount of the execution, provided  
201 (A) the minimum fee for such execution shall be [twenty] thirty  
202 dollars, and (B) if demand is made and execution is served by the  
203 officer, the creditor or the creditor's agent is responsible for payment of  
204 the officer's fee under this subdivision if such debt is satisfied at a later  
205 time; (7) on the levy of an execution on real property and on  
206 application for sale of personal property attached, to each appraiser,  
207 for each half day of actual service, reasonable and customary expenses;  
208 (8) for causing an execution levied on real property to be recorded, fees  
209 for travel, twenty dollars and costs; (9) for services on an application  
210 for the sale of personal property attached, or in selling mortgaged  
211 property foreclosed under a decree of court, the same fees as for  
212 similar services on executions; (10) for committing any person to a  
213 community correctional center, in civil actions, twenty-one cents a mile  
214 for travel, from the place of the court to the community correctional  
215 center, in lieu of all other expenses; and (11) for summoning and  
216 attending a jury for reassessing damages or benefits on a highway,  
217 three dollars a day. The court shall tax as costs a reasonable amount for  
218 the care of property held by any officer under attachment or execution.  
219 The officer serving any attachment or execution may claim

220 compensation for time and expenses of any person, in keeping,  
221 securing or removing property taken thereon, provided such officer  
222 shall make out a bill. The bill shall specify the labor done, and by  
223 whom, the time spent, the travel, the money paid, if any, and to whom  
224 and for what. The compensation for the services shall be reasonable  
225 and customary and the amount of expenses and shall be taxed by the  
226 court with the costs.

227 Sec. 10. Subsection (d) of section 52-361a of the general statutes is  
228 repealed and the following is substituted in lieu thereof (*Effective*  
229 *October 1, 2002*):

230 (d) The levying officer shall levy on all earnings which are due or  
231 become due to the judgment debtor to the extent specified in the wage  
232 execution plus the levying officer's fee and costs, until the judgment is  
233 satisfied, or the execution is modified or set aside, by serving the  
234 employer with [two copies of] the wage execution, the required notice  
235 of rights and the claim forms. On receipt thereof, the employer shall  
236 forthwith deliver a copy thereof to the judgment debtor, or mail such  
237 copy postage prepaid to the judgment debtor at his last-known  
238 address. On service of the wage execution on the employer, the wage  
239 execution shall automatically be stayed for a period of twenty days  
240 and shall thereafter immediately become a lien and continuing levy on  
241 such portion of the judgment debtor's earnings as is specified [therein]  
242 in the wage execution, provided if a claim is filed in accordance with  
243 subsection (d) of section 52-361b within twenty days of such service on  
244 the employer, the stay shall continue until determination of the claim.  
245 Any service of process or other notice required under this section may  
246 be made in accordance with section 52-57, as amended by this act, or  
247 by certified mail, return receipt requested.

248 Sec. 11. Section 52-367a of the general statutes is repealed and the  
249 following is substituted in lieu thereof (*Effective October 1, 2002*):

250 As used in this section and section 52-367b, [the term "banking  
251 institution"] as amended by this act, "financial institution" means any



252 bank, savings bank, savings and loan association, [or] credit union or  
253 securities brokerage firm organized, chartered or licensed under the  
254 laws of this state or the United States and having its main office in this  
255 state, or any similar out-of-state institution having a branch office in  
256 this state. Execution may be granted pursuant to this section against  
257 any debts due from any [banking] financial institution to a judgment  
258 debtor which is not a natural person. If execution is desired against  
259 any such debt, the plaintiff requesting the execution shall so notify the  
260 clerk of the court, and the clerk shall issue such execution containing a  
261 direction that the officer serving [the same] such execution shall make  
262 demand (1) upon the main office of any [banking] financial institution  
263 having its main office within the county of [such officer] the serving  
264 officer, or (2) if such main office is not within [such] the serving  
265 officer's county and such [banking] financial institution has one or  
266 more branch offices within such county, upon an employee of such a  
267 branch office, such employee and branch office having been  
268 designated by the [banking] financial institution in accordance with  
269 regulations adopted by the Commissioner of Banking, in accordance  
270 with chapter 54, for the payment of any debt due to the judgment  
271 debtor, and, after having made such demand, shall serve a true and  
272 attested copy thereof, with [his] the serving officer's actions thereon  
273 endorsed, with the [banking] financial institution officer upon whom  
274 such demand is made. If any such [banking] financial institution upon  
275 which such execution is served and upon which such demand is made  
276 is indebted to the judgment debtor, it shall pay to such serving officer,  
277 in the manner and at the time [hereinafter] described in this section,  
278 the amount of such indebtedness not exceeding the amount due on  
279 such execution, to be received and applied on such execution by such  
280 serving officer. Such [banking] financial institution shall act upon such  
281 execution according to section 42a-4-303 before its midnight deadline,  
282 as defined in section 42a-4-104. If such [banking] financial institution  
283 fails or refuses to pay over to such serving officer the amount of such  
284 debt, not exceeding the amount due on such execution, such [banking]  
285 financial institution shall be liable in an action therefor to the judgment  
286 creditor named in such execution, and the amount so recovered by

287 such judgment creditor shall be applied toward the payment of the  
288 amount due on such execution.

289 Sec. 12. Section 52-367b of the general statutes, as amended by  
290 section 1 of public act 01-196 and section 12 of public act 01-9 of the  
291 June special session, is repealed and the following is substituted in lieu  
292 thereof (*Effective October 1, 2002*):

293 (a) Execution may be granted pursuant to this section against any  
294 debts due from any [banking] financial institution to a judgment  
295 debtor who is a natural person, except to the extent such debts are  
296 protected from execution by sections 52-352a, 52-352b, 52-352c, of the  
297 general statutes, revision of 1958, revised to 1983, 52-354 of the general  
298 statutes, revision of 1958, revised to 1983, 52-361 of the general  
299 statutes, revision of 1958, revised to 1983 and section 52-361a, as well  
300 as by any other laws or regulations of this state or of the United States  
301 which exempt such debts from execution.

302 (b) If execution is desired against any such debt, the plaintiff  
303 requesting the execution shall notify the clerk of the court. In a IV-D  
304 case, the request for execution shall be accompanied by an affidavit  
305 signed by the [levying] serving officer attesting to an overdue support  
306 amount of five hundred dollars or more which accrued after the entry  
307 of an initial family support judgment. If the papers are in order, the  
308 clerk shall issue such execution containing a direction that the officer  
309 serving [the same] such execution shall, within seven days from the  
310 receipt by the serving officer of such execution, make demand (1) upon  
311 the main office of any [banking] financial institution having its main  
312 office within the county of [such] the serving officer, or (2) if such main  
313 office is not within [such] the serving officer's county and such  
314 [banking] financial institution has one or more branch offices within  
315 such county, upon an employee of such a branch office, such employee  
316 and branch office having been designated by the [banking] financial  
317 institution in accordance with regulations adopted by the  
318 Commissioner of Banking, in accordance with chapter 54, for payment  
319 of any such nonexempt debt due to the judgment debtor and, after

320 having made such demand, shall serve a true and attested copy of the  
321 execution, together with the affidavit and exemption claim form  
322 prescribed by subsection (k) of this section, with [such] the serving  
323 officer's [doings] actions endorsed thereon, with the [banking]  
324 financial institution officer upon whom such demand is made. If the  
325 officer serving such execution has made an initial demand pursuant to  
326 this subsection within such seven-day period, the serving officer may  
327 make additional demands [on] upon the main office of other [banking]  
328 financial institutions or employees of other branch offices pursuant to  
329 subdivision (1) or (2) of this subsection, provided any such additional  
330 demand is made not later than forty-five days from the receipt by the  
331 serving officer of such execution.

332 (c) If any such [banking] financial institution upon which such  
333 execution is served and upon which such demand is made is indebted  
334 to the judgment debtor, [it] the financial institution shall remove from  
335 the judgment debtor's account the amount of such indebtedness not  
336 exceeding the amount due on such execution before its midnight  
337 deadline, as defined [by] in section 42a-4-104. Notwithstanding the  
338 provisions of this subsection, if electronic direct deposits that are  
339 readily identifiable as exempt federal veterans' benefits, Social Security  
340 benefits, including, but not limited to, retirement, survivors' and  
341 disability benefits or supplemental security income benefits were made  
342 to the judgment debtor's account during the thirty-day period  
343 preceding the date that the execution was served on the [banking]  
344 financial institution, then [a banking] the financial institution shall  
345 leave the lesser of the account balance or eight hundred dollars in the  
346 judgment debtor's account, [;] provided nothing in this subsection shall  
347 be construed to limit a [bank's] financial institution's right or obligation  
348 to remove such funds from the judgment debtor's account if required  
349 by any other provision of law or by a court order. The judgment debtor  
350 shall have access to such funds left in the judgment debtor's account  
351 pursuant to this subsection. The [banking] financial institution may  
352 notify the judgment creditor that funds have been left in the judgment  
353 debtor's account pursuant to this subsection. Nothing in this

354 subsection shall alter the exempt status of funds which are exempt  
355 from execution under subsection (a) of this section or under any other  
356 provision of state or federal law, or the right of a judgment debtor to  
357 claim such exemption. Nothing in this subsection shall be construed to  
358 affect any other rights or obligations of the [banking] financial  
359 institution with regard to the funds in the judgment debtor's account.

360 (d) If any funds are removed from the judgment debtor's account  
361 pursuant to subsection (c) of this section, upon receipt of the execution  
362 and exemption claim form from the serving officer, the [banking]  
363 financial institution shall forthwith mail copies thereof, postage  
364 prepaid, to the judgment debtor at the judgment debtor's last known  
365 address with respect to the affected accounts on the records of the  
366 [banking] financial institution. The financial institution shall hold the  
367 amount removed from the judgment debtor's account pursuant to  
368 subsection (c) of this section for fifteen days from the date of the  
369 mailing to the judgment debtor and during such period shall not pay  
370 the serving officer.

371 (e) To prevent the [banking] financial institution from paying the  
372 serving officer, as provided in subsection (h) of this section, the  
373 judgment debtor shall give notice of a claim of exemption by  
374 delivering to the [banking] financial institution, by mail or other  
375 means, the exemption claim form or other written notice that an  
376 exemption is being claimed. The [banking] financial institution may  
377 designate an address to which the notice of a claim of exemption shall  
378 be delivered. Upon receipt of such notice, the [banking] financial  
379 institution shall, within two business days, send a copy of such notice  
380 to the clerk of the court which issued the execution.

381 (f) (1) Upon receipt of an exemption claim form, the clerk of the  
382 court shall enter the appearance of the judgment debtor with the  
383 address set forth in the exemption claim form. The clerk shall  
384 forthwith send file-stamped copies of the form to the judgment  
385 creditor and judgment debtor with a notice stating that the disputed  
386 [assets] funds are being held for forty-five days from the date the

387 exemption claim form was received by the [banking] financial  
388 institution or until a court order is entered regarding the disposition of  
389 the funds, whichever occurs earlier, and the clerk shall automatically  
390 schedule the matter for a short calendar hearing. The claim of  
391 exemption filed by such judgment debtor shall be prima facie evidence  
392 at such hearing of the existence of the exemption.

393 (2) Upon receipt of notice from the [banking] financial institution  
394 pursuant to subsection (c) of this section, a judgment creditor may, on  
395 an ex parte basis, present to a judge of the Superior Court an affidavit  
396 sworn under oath by a competent party demonstrating a reasonable  
397 belief that such judgment debtor's account contains funds which are  
398 not exempt from execution and the amount of such nonexempt funds.  
399 Such affidavit shall not be conclusory but is required to show the  
400 factual basis upon which the reasonable belief is based. If such judge  
401 finds that the judgment creditor has demonstrated a reasonable belief  
402 that such judgment debtor's account contains funds which are not  
403 exempt from execution, such judge shall authorize the judgment  
404 creditor to submit a written application to the clerk of the court for a  
405 hearing on the exempt status of funds left in the judgment debtor's  
406 account pursuant to subsection (c) of this section. The judgment  
407 creditor shall promptly send a copy of the application and the  
408 supporting affidavit to the judgment debtor. Upon receipt of such  
409 application, the clerk of the court shall automatically schedule the  
410 matter for a short calendar hearing and shall give written notice to  
411 both the judgment creditor and the judgment debtor. The notice to the  
412 judgment creditor pursuant to subsection (c) of this section shall be  
413 prima facie evidence at such hearing that the funds in the account are  
414 exempt funds. The burden of proof shall be upon the judgment  
415 creditor to establish the amount of funds which are not exempt.

416 (g) If an exemption claim is made pursuant to subsection (e) of this  
417 section, the [banking] financial institution shall continue to hold the  
418 amount removed from the judgment debtor's account for forty-five  
419 days or until a court order is received regarding disposition of the  
420 funds, whichever occurs earlier. If no such order is received within

421 forty-five days of the date the [banking] financial institution sends a  
422 copy of the exemption claim form or notice of exemption to the clerk of  
423 the court, the [banking] financial institution shall return the funds to  
424 the judgment debtor's account.

425 (h) If no claim of exemption is received by the [banking] financial  
426 institution within fifteen days of the mailing to the judgment debtor of  
427 the execution and exemption claim form pursuant to subsection (d) of  
428 this section, the [banking] financial institution shall, upon demand,  
429 forthwith pay the serving officer the amount removed from the  
430 judgment debtor's account, and the serving officer shall thereupon pay  
431 such sum, less such serving officer's fees, to the judgment creditor,  
432 except to the extent otherwise ordered by a court.

433 (i) The court, after a hearing conducted pursuant to subsection (f) of  
434 this section, shall enter an order determining the issues raised by the  
435 claim of exemption. The clerk of the court shall forthwith send a copy  
436 of such order to the [banking] financial institution. Such order shall be  
437 deemed to be a final judgment for the purposes of appeal. No appeal  
438 shall be taken except within seven days of the rendering of the order.  
439 The order of the court may be implemented during such seven-day  
440 period, unless stayed by the court.

441 (j) If both exempt and nonexempt moneys have been deposited into  
442 an account, for the purposes of determining which moneys are exempt  
443 under this section, the moneys most recently deposited as of the time  
444 the execution is [levied] served shall be deemed to be the moneys  
445 remaining in the account.

446 (k) The execution, exemption claim form [, execution] and clerk's  
447 notice regarding the filing of a claim of exemption shall be in such  
448 form as prescribed by the judges of the Superior Court or their  
449 designee. The exemption claim form shall be dated and include a  
450 checklist and description of the most common exemptions, instructions  
451 on the manner of claiming the exemptions [,] and a space for the  
452 judgment debtor to certify those exemptions claimed under penalty of

453 false statement.

454 (l) If records or testimony are subpoenaed from a [banking] financial  
455 institution in connection with a hearing conducted pursuant to  
456 subsection (f) of this section, the reasonable costs and expenses of the  
457 [banking] financial institution in complying [therewith] with the  
458 subpoena shall be recoverable by [it] the financial institution from the  
459 party requiring such records or testimony, provided, the [banking]  
460 financial institution shall be under no obligation to attempt to obtain  
461 records or documentation relating to the account executed against  
462 which are held by any other [banking] financial institution. The  
463 records of a [banking] financial institution as to the dates and amounts  
464 of deposits into an account in [such] the financial institution shall, if  
465 certified as true and accurate by an officer of the [banking] financial  
466 institution, be admissible as evidence without the presence of the  
467 officer in any hearing conducted pursuant to subsection (f) of this  
468 section to determine the legitimacy of a claim of exemption made  
469 under this section.

470 (m) If there are moneys to be removed from the judgment debtor's  
471 account, prior to the removal of such moneys pursuant to subsection  
472 (c) of this section, the [banking] financial institution shall receive from  
473 the serving officer as representative of the judgment creditor a fee of  
474 eight dollars for [its] the financial institution's costs in complying with  
475 the provisions of this section which fee may be recoverable by the  
476 judgment creditor as a taxable cost of the action.

477 (n) If the [banking] financial institution fails or refuses to pay over to  
478 the serving officer the amount of such debt, not exceeding the amount  
479 due on such execution, such [banking] financial institution shall be  
480 liable in an action therefor to the judgment creditor named in such  
481 execution for the amount of nonexempt moneys which [it] the financial  
482 institution failed or refused to pay over, excluding funds of up to eight  
483 hundred dollars which the [banking] financial institution in good faith  
484 allowed the judgment debtor to access pursuant to subsection (c) of  
485 this section. The amount so recovered by such judgment creditor shall

486 be applied toward the payment of the amount due on such execution.  
487 Thereupon, the rights of the [banking] financial institution shall be  
488 subrogated to the rights of the judgment creditor. If such [banking]  
489 financial institution pays exempt moneys from the account of the  
490 judgment debtor over to the serving officer contrary to the provisions  
491 of this section, such [banking] financial institution shall be liable in an  
492 action therefor to the judgment debtor for any exempt moneys so paid  
493 and such [banking] financial institution shall refund or waive any  
494 charges or fees by the [bank] financial institution, including, but not  
495 limited to, dishonored check fees, overdraft fees or minimum balance  
496 service charges and legal process fees, which were assessed as a result  
497 of such payment of exempt moneys. Thereupon, the rights of the  
498 [banking] financial institution shall be subrogated to the rights of the  
499 judgment debtor.

500 (o) Except as provided in subsection (n) of this section, no [banking]  
501 financial institution or any officer, director or employee [thereof] of  
502 such financial institution shall be liable to any person with respect to  
503 [anything] any act done or omitted in good faith or through the  
504 commission of a bona fide error that occurred despite reasonable  
505 procedures maintained by the [banking] financial institution to  
506 prevent such errors in complying with the provisions of this section.

507 (p) Nothing in this section shall in any way restrict the rights and  
508 remedies otherwise available to a judgment debtor at law or in equity.

509 (q) Nothing in this section shall in any way affect any rights of the  
510 [banking] financial institution with respect to uncollected funds  
511 credited to the account of the judgment debtor, which rights shall be  
512 superior to those of the judgment creditor.

513 (r) For the purposes of this subsection, "exempt" shall have the same  
514 meaning as provided in subsection (c) of section 52-352a. Funds  
515 deposited in an account that has been established for the express  
516 purpose of receiving electronic direct deposits of public assistance  
517 payments from the Department of Social Services shall be exempt.



518 Sec. 13. Section 52-593a of the general statutes, as amended by  
 519 section 66 of public act 01-195, is repealed and the following is  
 520 substituted in lieu thereof (*Effective October 1, 2002*):

521 (a) Except in the case of an appeal from an administrative agency  
 522 governed by section 4-183, a cause or right of action shall not be lost  
 523 because of the passage of the time limited by law within which the  
 524 action may be brought, if the process to be served is personally  
 525 delivered to a state marshal authorized to serve the process and the  
 526 process is served, as provided by law, within [fifteen] thirty days of the  
 527 delivery.

528 (b) In any such case, the state marshal making service shall endorse  
 529 under oath on such state marshal's return the date of delivery of the  
 530 process to such state marshal for service in accordance with this  
 531 section.

532 Sec. 14. (*Effective October 1, 2002*) Section 52-53 of the general statutes  
 533 is repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>

**JUD** Joint Favorable Subst.

**GAE**      *Joint Favorable*

**BA**        *Joint Favorable*

**FIN**       *Joint Favorable*